



UNITED STATES PATENT and TRADEMARK OFFICE

27 JAN 2010

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

GARDNER GROFF GREENWALD
& VILLANUEVA, PC
2018 Powers Ferry Rd, Ste 800
Atlanta, Georgia 30339

In re Application of	:	DECISION ON RENEWED
CAMPBELL et al	:	
PCT No.: PCT/US2004/026981	:	
Application No: 10/569,021	:	
Int. Filing Date: 19 August 2004	:	PETITION UNDER
Priority Date: 20 August 2003	:	
Attorney's Docket No.: 2G02.1-082 1	:	
For: BLOOD SAMPLING DEVICE	:	37 CFR 1.47(a) and 1.137(b)

This decision is in response to applicants' "RENEWED PETITION UNDER 37 CFR 1.47(a) and 1.137(b)" submitted on 20 November 2008.

BACKGROUND

The decision by this Office dated 27 October 2008 indicated that requirement (2) under 37 CFR 1.47(a) and requirement (1) under 37 CFR 1.137(b) had not been satisfied.

On 20 November 2008, petitioner filed this renewed petition accompanied, inter alia, an executed declaration by co-inventor Mitchell Solis.

DISCUSSION

37 CFR 1.47(a)

The renewed petition has included an executed declaration signed by co-inventor Mitchell Solis. Petitioner states that during the intervening time petitioner was able to locate the previously non-signing inventor, Mr. Solis, and he has now executed the declaration. The declaration is now signed by all the inventors.

Accordingly, the declaration submitted on 20 November 2008 complies with 37 CFR 1.497(a) and (b).

CONCLUSION

The petition under 37 CFR 1.47(a) is **MOOT**.

37 CFR 1.137(b):

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has now satisfied item (1) under 37 CFR 1.137(b).

Applicants have provided: (1) the proper reply that is a properly executed declaration.

Accordingly, the petition is deemed to satisfy items (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION


The petition under 37 CFR 1.137(b) is **GRANTED**.

CONCLUSION

The petition under 37 CFR 1.47(a) is **MOOT** without prejudice.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **20 November 2008**.



Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459